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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,216	11/21/2001	Elmo Marcus Attila Diederiks	NL 000637	3553

24737 7590 10/04/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

CHAI, LONGBIT

ART UNIT PAPER NUMBER

2131

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/990,216

Applicant(s)

DIEDERIKS ET AL.

Examiner

Longbit Chai

Art Unit

2131

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 9/12/2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1, 2 and 4-7.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

CEL
Primary Examiner
AVZ131
9/29/05

Continuation of 11. does NOT place the application in condition for allowance because:

1. As per claim 1, Applicant asserts Nagata does not teach the output lines of the apparatus are connected to the output of the conversion unit (Page 2). Applicant's arguments have been fully considered but are not persuasive. Examiner notes the broadest and reasonable claim interpretations are made such that (a) the storage medium (as amended on 6/20/2005) is considered as any device that have data storage capability, which includes (but not limited to) device 22 (Memory) and device 23 (D/A Converter) in Figure 5, and thereby it meet the claim limitation recited with the following claim language "characterized in that the storage medium includes a conversion unit for converting the digital audio and/or video data into analog audio and/or video output signals suitable for reproduction by a reproducing apparatuses (Examiner notes: where the reproducing apparatuses is interpreted as the SPEAKER (Nagata: Element 15 of Figure 5)), and in that the output lines of the storage medium, on which the analog audio and/or video output signals are made available to the reproducing apparatus, are connected to the conversion unit (Nagata: the connection between Element 22 and Element 23 of Figure 5)", and further the claim limitation followed by "for making only the analog audio and/or video output signals externally available from the storage medium (Examiner notes: the claim language "externally available" is interpreted as through the use of the switch 2 (SW2) installed between the D/A Converter and SPEAKER as well as the external TX/RX apparatus) available in analog form (Nagata: Element 23 and Element 15 / 24 / 3 of Figure 5), while the audio and/or video output is not externally available in digital form" (Examiner notes: the claim language "not externally available" is interpreted as the direct internal connection without any switch installed between the memory and D/A Converter (Nagata: Element 23 and Element 22 of Figure 5) and thereby it is not externally available for easy access from outside).
2. Therefore, the Nagata reference does teach "the output lines of the storage medium, on which the analog audio and/or video output signals are made available to the reproducing apparatus, are connected to the conversion unit" as claimed by the applicant and applicant's arguments are respectfully traversed.